

DARTFORD

BOROUGH COUNCIL

PETITIONS SCHEME GUIDELINES - PETITIONS FOR DEBATE & PETITIONS TO HOLD OFFICERS TO ACCOUNT



If you require this document in large print, audio or braille or in a different language,
please contact Member Services on 01322 343430 or email:

memberservices@dartford.gov.uk

Adopted by the General Assembly of the Council - 7 June 2010 – Min.No.35

PETITIONS SCHEME GUIDELINES - PETITIONS FOR DEBATE & PETITIONS TO HOLD OFFICERS TO ACCOUNT

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PETITIONS SCHEME GUIDELINES - PETITIONS FOR DEBATE & PETITIONS TO HOLD OFFICERS TO ACCOUNT

A petition is defined as a communication in writing or using an electronic facility which is supported by the appropriate number of valid qualifying signatures

These Petitions Scheme Guidelines are made in accordance with Section 11(1) of the Local Democracy, Economic Development and Construction Act 2009 and is a key part of Dartford Borough Council's commitment to participation, openness and accessibility.

These Petitions Scheme Guidelines deal with two types of petition – 'petitions for debate' and 'petitions to hold an officer to account' [sections 5.1 and 5.2 below].

We will treat correspondence as a petition if it is identified as a petition, or if it seems to us that it is intended to be a petition. If we judge that the correspondence is not a petition, we will deal with it under another procedure (if applicable) e.g. the Council's Corporate Complaints Procedure.

Providing these Petitions Scheme Guidelines are followed, all petitions will receive a response.

Petitions may be rejected, if you do not follow these Petitions Scheme Guidelines.

1. How are petitions presented to the Council?

There are two options:

By **paper** petition, sent by post or hand delivered to:

your ward Member;
an elected Councillor;
a Council Officer;
Member Services

Dartford Borough Council
Civic Centre
Home Gardens
Dartford
Kent DA1 1DR

OR

By **ePetition**, presented through the Council's on-line ePetitions facility at www.dartford.gov.uk [Refer to Part 2 of this Petitions Scheme Guidelines for guidance on ePetitions]

2. Can a Councillor present my petition to a meeting of the Council?

A local ward member or another elected Councillor may at an ordinary meeting of the General Assembly of the Council present, on behalf of the lead petitioner, a petition which:

- (a) deals with an issue relating to the Council's responsibilities/functions; and/or
- (b) deals with anything relating to an improvement in the economic, social or environmental well-being of the Borough to which any of the Council's partners (e.g. Dartford and Gravesham Community Safety Partnership) could contribute.

The presentation of a petition by Councillors to the General Assembly of the Council will be limited to the giving of a brief indication of the content of the petition. No speech or debate will be allowed on the petition. How the petition is then dealt with, will depend on which type of petition you have submitted.

3. Help and advice

If you would like advice on how to petition the Council or on how to present your petition to the Council, or would like your local ward Member or someone else to present it on your behalf and are unsure of the process, please contact Member Services on 01322 343430 or email memberservices@dartford.gov.uk

Petitioners are encouraged to use the Council's Petitions Template (Annex 3), which can be downloaded from the Council's website www.dartford.gov.uk

It would be helpful if petitions were typewritten or completed in black ink to facilitate checking, scanning and reproduction. If you need additional assistance in completing your petition, please contact Member Services for advice.

Petitions must not contain language which is offensive e.g. swear words, inflammatory, sarcastic or provocative language or other terms that could reasonably be considered as offensive by the reader. Petitions of this nature will be rejected.

Member Services can provide you with advice on the progress of your petition and meeting dates.

Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary for the petition to be held over until the following scheduled meeting of the relevant body. Member Services will provide the lead petitioner with an explanation for the delay.

4. Data Protection

The Council supports the objectives of the Data Protection Act 1998 and is registered as a data processor. Personal information provided by petitioners will be governed by the requirements of the Data Protection Act 1998 and may be processed by the Council in the performance of its statutory duties or for purposes required by law or where petitioners have given the Council permission.

In submitting a petition, petitioners are agreeing that the Council can use any personal information they send it for purposes connected with their petition. Details of names, postal addresses, postcodes, telephone numbers and email addresses, will not be published without petitioners' express permission.

5. Equalities and diversity

The Council is subject to numerous legal duties relating to equalities e.g. race, disability, gender etc. The Council recognises and welcomes those duties, which are embraced within its Single Equalities Scheme. These Petitions Scheme Guidelines are accessible to all.

6. Revisions to these Petitions Scheme Guidelines

Subject to publication on the Council's website and by any other method appropriate for bringing revisions to the attention of people who live, work or study in the Borough, these Petitions Scheme Guidelines may at anytime be revised and adopted by the General Assembly of the Council.

Signature thresholds will be reviewed periodically, in the light of the number of petitions received.

These Petitions Scheme Guidelines will be reviewed annually by Member Services to ensure continued fitness for purpose. The results of the review will be reported to the General Assembly of the Council.

PART 1

Paper Petitions

1. Who can submit a petition?

Any person who lives, works or studies in the Borough of Dartford, including children and young people aged under 18¹ and/or persons registered on the electoral role for the Borough, may submit a petition.

2. What must I do before I submit a petition?

Before submitting a petition, please contact your local ward Councillor, Member of Parliament or Member Services, to check if the Council is already acting on your concerns and whether the Council is the most appropriate body to receive your petition, as sometimes your petition may be more appropriate for another public body, such as Kent County Council.

You must make sure that your petition:

- (a) deals with an issue relating to the Council's responsibilities/functions; and/or
- (b) deals with anything relating to an improvement in the economic, social or environmental well-being of the Borough to which any of the Council's partners (e.g. Dartford and Gravesham Community Safety Partnership) could contribute.

You must also make sure that your petition:

- (c) is titled AND includes a clear and concise statement covering the subject of the petition;
- (d) sets out clearly what action you want the Council to take;
- (e) is authenticated, by including the name, postal address and postcode (this must be a residential, business/workplace, school/college address in the Borough of Dartford), telephone number and email address of the lead petitioner or someone to whom you would like any correspondence about the petition to be sent (if a lead petitioner is not identified, Member Services will contact the first signatory to the petition to agree who should act as the lead petitioner);
- (f) is not invalid – see section 7 below, for examples of common causes for rejecting a petition;
- (g) is supported by the requisite number of qualifying signatures - see section 5 below, for guidance on the signature thresholds.

A 'qualifying signature' means the name, address and postcode (this must be a residential, business/workplace, school/college address in the Borough of Dartford), telephone number and signature of every person supporting the petition.

Your petition may be rejected, if any one or more of the requirements listed above, are not complied with. Any minor omissions e.g. no contact address will be corrected in consultation with the lead petitioner.

Petitioners' signatures and/or contact details may be subject to verification by the Council.

3. Will my petition be acknowledged?

The Leader of the Council will be notified of all petitions received

All petitions will be acknowledged by Member Services within 10 working days of us receiving the petition. The acknowledgement will be sent to the lead petitioner and we will let them know what we plan to do with the petition and when they can expect to hear from us again.

To ensure that people know what we are doing in response to the petitions we receive, the details (i.e. the subject matter of the petition, the date of receipt and the number of signatories) of all the petitions submitted to us, whether accepted or rejected, will be published on our website www.dartford.gov.uk, except in cases where this would be inappropriate e.g. because of data protection, libel, discrimination etc issues. Whenever possible, we will also publish all correspondence relating to the petition (contact details and signatures will be redacted).

Petitions will remain on the website for a period of 12 months from receipt.

The lead petitioner's contact details will only be published on the website, at their request.

You will be able to track progress of your petition. At each stage of the consideration of the petition, within 10 working days of any decision, Member Services will notify the lead petitioner and update the Council's website.

4. How will the Council deal with vexatious, abusive or otherwise inappropriate petitions?

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will be rejected. In deciding whether a petition is vexatious, abusive or otherwise inappropriate, we will have regard to the Council's Policy on Unreasonably Persistent and Vexatious Complainants.

The deciding factor in most cases will be the subject matter of the petition, rather than the personality of the petitioners or the manner in which the issue is supported.

The Council's Managing Director has the authority to reject vexatious, abusive or otherwise inappropriate petitions. His decision to reject a petition is final - there is no right of review against the decision.

Within 10 working days of the decision to reject the petition, Member Services will notify the lead petitioner of the reasons for rejecting the petition and update the Council's website.

5. What are the types of petition?

How we deal with your petition, will depend on which type of petition you submit.

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5.1 **Petitions for Debate** – *petitions with a significant level of support trigger a debate at a meeting of the General Assembly of the Council – the petition must be supported by no less than three thousand (3000) valid qualifying signatures*

If you want your petition to be reported to and debated at a meeting of the General Assembly of the Council, it must be supported by at least 3,000² valid qualifying signatories. This means that the issue the subject matter of the petition (generally of a Borough wide concern), will be debated at a meeting which all Councillors can attend.

A Petition for Debate cannot be referred to the General Assembly of the Council, if the petition calls for an Officer to be held to account [refer to section 5.2 below].

Petitions for Debate will not be considered at the Council's Annual Meeting or at Extraordinary Meetings.

Petitions will generally be reported to the next scheduled meeting of the General Assembly of the Council – however, this may not always be possible. If your petition cannot be reported to the next scheduled meeting, the reasons for this will be explained to the lead petitioner. Meetings are held in public.

Member Services will, within 10 working days of receipt of the petition, provide written notification to the lead petitioner setting out that the petition will be reported to the General Assembly of the Council, when and where the meeting will take place and invite the lead petitioner to attend the meeting and to address the meeting for up to three (3) minutes on the issue covered by the petition. Petitioners may attend the meeting as observers.

The lead petitioner may nominate another person to address the meeting and to answer questions.

In any case where the subject matter of the petition is likely to lead to the discussion of confidential or exempt information requiring a Council resolution to hold the meeting in private, Member Services will explain the reasons and process to the lead petitioner. This notification will be published on our website.

The rules of procedure for General Assembly of the Council meetings are detailed in Annex 1 to this Petitions Scheme Guidelines.

Within 10 working days of the meeting, the lead petitioner will receive from Member Services, written confirmation of the decision and given details of the right of review to the Scrutiny Committee, if the Council's response is considered inadequate. The decision will be published on our website.

² The number of signatories required for Petitions for Debate, and for Petitions to Hold an Officer to Account have been set by the Council to ensure that matters of genuine concern can be brought to the Council's attention. These requirements will be reviewed periodically in the light of the number of petitions received, to ensure that the requirements are not excessive

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5.2 Petitions to hold an Officer to Account - triggers a public meeting of the Policy Overview Committee or Crime and Disorder (Overview and Scrutiny)³ – the petition must be supported by no less than one thousand five hundred (1500) valid qualifying signatures

Only the following Council Officers can be called to give evidence:

Mr Graham Harris - Managing Director (and the Council's Head of Paid Service and Section 151 Officer)
Mr Chris Oliver - Executive Director (and the Council's Monitoring Officer)
Mr Rob Scott - Regeneration Director
Mrs Sheri Green – Strategic Director

The Managing Director may decide in consultation with the Chairman of the Policy Overview Committee or the Crime and Disorder (Overview and Scrutiny) Committee, that it would be more appropriate for another member of staff to give evidence, instead of the Officer referred to in the petition. The reasons for this will be explained to the lead petitioner within 10 working days of receipt of the petition. The rules detailed in section D of the Committees' Protocols will apply.

Where you ask for an Officer to give evidence and be questioned on their actions in relation to the subject matter of the petition, your petition will be considered at a public meeting of the Policy Overview Committee or Crime and Disorder (Overview and Scrutiny) Committee. Your petition must be supported by at least 1,500 valid qualifying signatories.

Petitions will generally be reported to the next scheduled meeting of the Policy Overview Committee or Crime and Disorder (Overview and Scrutiny) - however, this may not always be possible. If your petition cannot be reported to the next scheduled meeting, the reasons for this will be explained to the lead petitioner.

Please note that your petition cannot raise issues of Officer competence and/or misconduct. Neither can the petition raise personal/private life and/or character issues or bully or harass the Officer concerned. Petitions of this nature will be rejected.

Care should be taken to ensure that Officers are not held to account for carrying out political decisions. Officers can only give evidence and be questioned about the delivery of public services for which they are responsible, as part of their job.

The lead petitioner may nominate another person to address the meeting and to answer questions.

The Chairman of the Policy Overview Committee or the Crime and Disorder (Overview and Scrutiny) Committee, may consider it appropriate to require the relevant Portfolio Member with responsibility for the service area the subject of the petition, to attend before the Committee for questioning. The rules detailed in section D of the Committees' Protocols will apply.

³ The Crime and Disorder (Overview and Scrutiny) Committee can only deal with community safety and 'crime and disorder' matters defined as including forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment or the misuse of drugs, alcohol and other substances

Member Services will, within 10 working days of receipt of the petition, provide written notification to the lead petitioner setting out which Committee the petition will be reported to, when and where the meeting will take place and inviting the lead petitioner to attend the meeting and to address the meeting for up to three (3) minutes on the subject matter of the petition. Petitioners may attend the meeting as observers.

When a petition relates to matter affecting specific electoral wards, Member Services will send a copy of the petition to each relevant ward Member at the same time as acknowledging receipt of the petition to the lead petitioner.

The relevant ward Member(s) will be invited to attend the meeting. Where there are two or more ward Members, only one ward Member may address the Committee (but not vote).

In any case where the subject matter of the petition is likely to lead to the discussion of confidential or exempt information requiring a Committee resolution to hold the meeting in private, Member Services will explain the reasons and process to the lead petitioner. This notification will be published on our website.

In advance of the Committee meeting, the lead petitioner will be invited by Member Services to submit a list of questions which they would like put to the Officer at the meeting. These questions will be provided to the Chairman, who will decide whether they are appropriate, and to the Officer concerned, in advance of the meeting. You may be asked to rephrase your questions where the Chairman considers that there may be implications for the Council in relation to data protection, libel, equalities, discrimination etc. The Chairman's decision on the appropriateness of the questions is final. There is no right of review against this decision.

The rules of procedure for meetings of the Policy Overview Committee and Crime and Disorder (Overview and Scrutiny) Committee, are detailed in Annex 1.

Within 10 working days of the meeting, the lead petitioner will receive from Member Services, written confirmation of the decision and given details of the right of review to the Scrutiny Committee, if the Council's response is considered inadequate. The decision will be published on our website.

6. What happens to a petition submitted immediately before an election or referendum?

In the period immediately before an election or referendum, we may need to deal with your petition differently – if this is the case, we will explain the reasons and discuss the revised timescale with you.

7. What constitutes an invalid petition? – common causes for rejecting a petition⁴

We believe that the vast majority of petitions we receive will be accepted, but in certain circumstances, petitions may be rejected. Any one or more of the following factors will invalidate a petition and result in its rejection by the Council's Managing Director, whose decision is final:

⁴ Please note that this list is not exhaustive

the petition contains less than the required number of signatures;

the petition is not authenticated as required by these Petitions Scheme Guidelines;

the petition is signed by persons who do not live, work or study in the Borough of Dartford and/or who are not registered electors;

the petition is outside the remit or powers of the Council, Cabinet etc;

the petition contains potentially libelous, false, or defamatory statements;

the petition is discriminatory;

the petition contains language which is offensive, intemperate, or provocative;

the petition is similar to and/or overlaps with an existing petition or petitions;

the petition contains false or incomplete names and addresses;

the petition contains links to third party websites;

the petition is intended to be humorous, or have no point to make about the Council's functions/responsibilities;

the petition does not request any action by the Council;

the petition relates to a personal issue/case;

the petition targets individual members of the community or groups within the community;

the petition raises personal and/or character issues about a Council Officer;

the petition contains wording that is impossible to understand;

the petition is a commercial endorsement, promotion of a product, service or publication, or statements that amount to adverts;

the petition targets family members of elected Councillors, Co-optees or Council Officers;

the petition contains material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss;

the petition contains party political material;

the petition relates to matters which are subject to ongoing legal proceedings or are sub-judice;

the petition calls upon the Council to 'recognise' or acknowledge' something (in this case, the petition does not clearly call for a recognisable action);

the petition deals with employee relations e.g. employees terms and conditions of contract;

the petition deals with disciplinary or grievance matters;

the petition deals with an 'excluded matter' e.g. planning, licensing, road traffic regulation orders and housing applications [see section 10 below];

the petition refers to information which is protected by an interdict or court order;

the petition calls for something which goes against Council policy;

the petition is the same or substantially the same/similar as one submitted within the previous six months;

the petition is vexatious, abusive or otherwise inappropriate [see section 4 above];

the petition is received during a period when the Council is subject to restrictions e.g. immediately before elections or referendums [refer to section 6 above, for an explanation of how we will deal with the petition];

petitions which allege breaches of the law or codes of practice;

a petition relating to any matter which is considered to be 'exempt' under the Local Government Act 1972, Access to Information Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 or the Environment Information Regulations 2004 - this includes, but is not restricted, to information relating to an individual, information which is commercially sensitive, or which concerns information for which there are implications for the prevention or prosecution of a crime.

We will not take action on any petition which we consider to be invalid and will explain the reasons for this to the lead petitioner in our acknowledgement of the petition.

If we decide not to accept your petition, we will contact the lead petitioner within 10 working days of its receipt, to explain the reasons. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days of our notification, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of our website.

The decision on what constitutes an invalid petition and its rejection, is ultimately one for the Council's Managing Director, whose decision is final. There is no right of review against this decision.

8. What matters are excluded from this Petitions Scheme Guidelines?

- (a) any matter relating to a planning decision, including about a development plan document or the community infrastructure levy;
- (b) any matter relating to an alcohol, gambling or sex establishment licensing decision;
- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment (other than the right to complain to the Local Government Ombudsman);
- (d) an ordinary petition⁵ (minimum fifteen (15) valid qualifying signatures) referred to an Officer for action/decision under delegated authority or to the Cabinet, relevant Committee, Sub-committee, Board etc.

If your petition relates to a planning or licensing application, road traffic regulation matters, street management, highways or public transport issues in the Borough of Dartford, is a statutory petition (for example requesting a referendum on having an elected mayor), or relates to a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, (subject to the exception referred to below), other procedures will apply. Further information on these procedures and how you can express your views is available from the Council's website www.dartford.gov.uk or by contacting Member Services.

Exceptions:

- (i) a statutory petition will be dealt with under the Ordinary Petitions Guidelines, if the petition fails to meet the requirements of the enactment in question e.g. where a petition under the Local Government Act 2000 asking for a referendum on whether the Borough should have an elected mayor, does not achieve the requisite number of signatures;
- (ii) failure to deliver services in the areas referred to in (a) – (b) above, remains within the scope of the Council's duty to respond to the petition in accordance with these Petitions Scheme Guidelines e.g. a petition about the Council's failure to deliver an effective service for planning applications would be within scope;
- (iii) an ordinary petition will be dealt with under the Ordinary Petitions Guidelines, if the petition is supported by the appropriate number of valid qualifying signatures [sections 5.1 and 5.2 refer].

⁵ The Council's Ordinary Petitions Guidelines apply

When a petition deals with an excluded matter, we will acknowledge receipt of the petition within 10 working days of its receipt and explain why the matter is not covered by these Petitions Scheme Guidelines and explain and/or direct you to the relevant procedure.

9. How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it [refer to sections 5.1 and 5.2 above], but may include one or more of the following:

- (a) taking the action requested in the petition;
- (b) considering the petition at a meeting of the General Assembly of the Council, Cabinet, Committee/Sub-committee;
- (c) holding an inquiry into the matter;
- (d) holding a public meeting;
- (e) holding a consultation;
- (f) holding a meeting with the lead petitioner;
- (g) referring the petition for consideration by the Policy Overview Committee, a sub-committee of Scrutiny Committee or the Crime and Disorder (Overview and Scrutiny) Committee;
- (h) calling a referendum;
- (i) writing to the lead petitioner, setting out our views about the request for action referred to in the petition.

In addition to these steps, we will consider other specific actions we can potentially take on the issues highlighted in the petition. The table in Annex 2 provides examples.

10. How will the Council deal with a petition over which it has no direct control?

If your petition is about something over which the Council has no direct control (for example the local railway or hospital), we will consider making representations on behalf of the community to the relevant body. Petitioners should recognise that the Council may have limited influence over external bodies/organisations.

The Council works with a large number of local partners e.g. through the Dartford and Gravesham Community Safety Partnership on crime and disorder related issues and where possible, will work with these partners to respond to your petition. If we are not able to do this e.g. if what the petition calls for, conflicts with Council policy, then we will set out the reasons for not taking action.

You can find more information on the services for which the Council is responsible and its partners at www.dartford.gov.uk

If your petition is about something that another council is responsible for, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event, we will always notify you of the action we have taken.

If a petition relates to the responsibilities of one of our partners, then the petition will be forwarded to that partner for them to deal with, unless the petition relates to an improvement in the economic, social or environmental well-being of the Borough. In

those cases, the petition will be considered under these Petitions Scheme Guidelines.

Where a petition relates to a matter over which the Council has no responsibility or influence, we will return the petition to the lead petitioner with an explanation for that decision.

We will notify the lead petitioner of the steps we intend to take within 10 working days of receipt of the petition. This notification will be published on the Council's website.

11. What can I do if I feel that the response to my petition is inadequate?

If you consider the response to your petition to be inadequate, the lead petitioner may ask for the response to be reviewed (a form of appeal) by the Scrutiny Committee, within 20 working days of being notified by Member Services of the response.

The review will be undertaken by the Scrutiny Committee, within 30 days of receipt of the lead petitioner's review request.

You must explain as fully and as clearly as possible, why you consider the response to be inadequate. If you do not provide a full and clear explanation, the Scrutiny Committee may decide that no further action needs to be taken on the review.

Member Services will, within 10 working days of receipt of the review request, provide written notification to the lead petitioner and the relevant ward Member(s) that the review will be undertaken by the Scrutiny Committee and the date of the meeting. The lead petitioner and the relevant ward Member(s) will be invited to attend the meeting as observers. There is no right to address the Committee. Petitioners may attend the meeting as observers.

In any case where the subject matter of the petition is likely to lead to the discussion of confidential or exempt information requiring a Committee resolution to hold the meeting in private, Member Services will explain the reasons and process to the lead petitioner. This notification will be published on our website.

The rules of procedure for meetings of the Scrutiny Committee, are detailed in Annex 1.

Within 10 working days of the decision, the lead petitioner will receive from Member Services, written confirmation of the Scrutiny Committee's decision. The decision will be published on our website. There is no further right of review.

PART 2

ePetitions

The Council welcomes ePetitions which are created and submitted through its website www.dartford.gov.uk

The Council will not respond to ePetitions which are submitted by other means e.g. email chain/pyramid. ePetitions will be rejected, if submitted by other means.

ePetitions are presented on the ePetitions website in the order in which they are received. All ePetitions (including the subject matter of paper based petitions), whether accepted or rejected, will be maintained on the Council's website for 3 months, from the date of receipt and then archived.

The Council's ePetitions website is compliant with web accessibility standards.

ePetitions must follow the same guidelines as paper petitions referred to in Part 1 of these Petitions Scheme Guidelines.

During politically sensitive periods, such as prior to an election, politically controversial material may need to be restricted.

1. How do I sign an ePetition?

You MUST register to use the Council's ePetitions facility, before you can provide a 'signature' in support of an ePetition

The lead petitioner will need to provide us with their name, postal address, postcode and e-mail address before submitting their petition for review by Member Services. People visiting the ePetition website will be able to see the lead petitioner's name, but not their contact details.

Before you sign an ePetition, you will be asked to either register as a new user – you will need to provide your name, postal address, postcode and e-mail address or, if you are already registered as a user, you will be asked for your user name and password. When you have submitted this information, you will be sent an e-mail to the e-mail address you have provided. This e-mail will include a link which you must click on in order to confirm the e-mail address is valid. Once this step is complete, your 'signature' will be added to the petition. People visiting the ePetition website will be able to see your name in the list of those who have signed it, but your contact details will not be visible.

2. What information should my ePetition contain?

Your ePetition will need to include:

A title, which in as few words as possible, should identify what your petition is about e.g. antisocial behaviour in High Street Dartford;

A statement (ideally limited to no more than five lines), explicitly setting out what action you would like the Council to take and reasons why you consider the action requested to be necessary e.g. 'calling on the Council to urge the Government to consider the need for new legislation to tackle anti-social behaviour';

Any other information which you feel is relevant to your ePetition. DO NOT include links to other websites.

3. How long does my ePetition remain open for signatures?

We will decide when a request to host an ePetition is received by a lead petitioner, whether the petition is appropriate for publishing on our website. Please refer to the guidelines on what constitutes an invalid petition at section 7 of the Petitions Scheme Guidelines.

If we agree to host your ePetition, your ePetition will remain open for 'signatures' for a maximum period of 4 weeks, but you can choose a shorter time frame.

When the ePetition reaches its closing date, you will no longer be able to sign it online. The list of signatories will be collated by Member Services and the lead petitioner contacted regarding the submission of the completed ePetition.

Whilst the Council will host ePetitions on its website, it will not promote individual ePetitions. It is therefore down to the lead petitioner, to raise awareness about their ePetition.

4. How long will it take to publish my ePetition on-line?

When you create an ePetition, it may take up to 10 working days before it is published online. This is because we have to check that the content of your ePetition is suitable, before it is made available for 'signature'.

5. Can I change and resubmit my ePetition if it is considered to be inappropriate for publication?

If we decide not to host your ePetition, we will contact the lead petitioner within 10 working days of its receipt, to explain the reasons. You will be able to change and resubmit your ePetition if you wish. If you do not do this within 10 working days of our notification, a summary of the ePetition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

The Council's Managing Director's decision not to host your ePetition is final. There is no right of review against this decision.

6. What happens to my ePetition when the ePetition closes for signatures?

When an ePetition has closed for 'signature', it will automatically be submitted to Member Services. In the same way as a paper petition, the lead petitioner will receive an acknowledgement within 10 working days. An email acknowledgement will also be sent to the 'signatories' to the ePetition.

7. Can I ask for a review of the Council's response/decision on my ePetition?

The lead petitioner has the right to request that the Council's Scrutiny Committee reviews the steps that the Council has taken in response to your ePetition. Refer to section 11 of these Petitions Scheme Guidelines for guidance on the review process.

8. Can I still submit a paper petition in addition to my ePetition?

You CANNOT run both an online and paper version of your petition.

9. Disclaimer

The Council accepts no liability for the ePetitions on its web pages. The views expressed in ePetitions do not necessarily reflect those of the Council.

If you are having problems submitting an ePetition or would like further advice and information, please contact Member Services (contact details below) and we will be happy to assist you.

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Home Gardens
Dartford
Kent DA1 1DR
Tel: 01322 343430
Email: memberservices@dartford.gov.uk

ANNEX 1 - RULES OF PROCEDURE

1. Petitions for Debate & Petitions to hold Officers to Account

All meetings will be held in public, unless the confidential/exempt information rules in Standing Orders 46 and 50 apply

- (a) petitions will be reported to the next scheduled meeting of the body concerned – if this is not possible, an explanation will be given to the lead petitioner;
- (b) the relevant Director will produce a report on the subject matter of the petition;
- (c) Standing Order 19 'Members' Interests' and Standing Orders 46 – 51 'Access to Information Procedure Rules' will apply;
- (d) Standing Order 11(13) 'Council in Committee' will apply (applicable only to meetings of the General Assembly of the Council);
- (e) petitions will be considered in the order they are received⁶, unless the Chairman at the meeting, determines otherwise;
- (f) the lead petitioner will be given three (3) minutes to present the petition;
- (g) the lead petitioner may be questioned by Councillors - supplementary questions of the lead petitioner are at the discretion of the Chairman;
- (h) the Committee will put questions to the Officer being held to account (applicable only to meetings of the Policy Overview Committee and the Crime and Disorder (Overview and Scrutiny) Committee)⁷;
- (i) the Committee will put questions to the Portfolio Member (applicable only to meetings of the Policy Overview Committee and the Crime and Disorder (Overview and Scrutiny) Committee);
- (j) the Chairman will invite the lead petitioner to question the Officer being held to account - supplementary questions of the Officer are at the discretion of the Chairman (applicable only to meetings of the Policy Overview Committee and the Crime and Disorder (Overview and Scrutiny) Committee);
- (k) the ward Member⁸ will be invited to address the meeting for a maximum of three (3) minutes (but not vote) (applicable only to meetings of the Policy Overview Committee and the Crime and Disorder (Overview and Scrutiny) Committee);
- (l) the relevant Officer/Director will be invited to address the meeting (applicable only to meetings of the General Assembly of the Council, Cabinet/Committee/Sub-committee);
- (m) a maximum of fifteen (15) minutes will be permitted for the debate of each petition, unless the Chairman agrees to an extension of time.

During the presentation of the petition, the decision - making body reserves the right to stop a lead petitioner if they raise any matter which would invalidate the petition or if they conduct themselves in an inappropriate manner.

⁶ In practice, where one person has submitted more than one petition, his/her second petition will be taken after consideration of the first petition submitted by each other person, and so on

⁷ The rules on 'Participation' detailed in section D of the Committees' Protocols, will apply

⁸ Where there is more than one ward Member, only one ward Member may address the meeting

Decision - making

The decision making bodies will have regard to the list of possible actions set out in section 9 and Annex 2 of these Petitions Scheme Guidelines. The response to the petition should be proportionate to the seriousness of the issue and level of support contained in the petition. The actions referred to in section 9 above need to be among those considered, but should not be regarded as the only options.

By way of examples:

the General Assembly of the Council may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, refer the petition to Cabinet or a Committee for decision or, commission further investigation into the matter, for example by a relevant committee, for report back. Where the issue is one on which the Cabinet is required by law to make the final decision, the General Assembly of the Council may decide to make recommendations to the Cabinet, to inform that decision;

the Policy Overview Committee and the Crime and Disorder (Overview and Scrutiny) Committee may decide to refer the petition to Cabinet or a partner organisation with recommendations;

the Cabinet/Committee/Sub-committee may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, commission a scrutiny investigation by a sub-committee of Scrutiny Committee or lobby partner organisations on behalf of the community.

Within 10 working days of the meeting, Member Services will notify the lead petitioner of the decision and copy the lead petitioner into any reports and recommendations. The lead petitioner will be advised of their right to ask for a review by the Scrutiny Committee [refer to section 11 above], if they consider the response inadequate.

The Policy Overview Committee, Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee cannot overturn decisions of the General Assembly of the Council, Cabinet and partner organisations etc. The Committees can however request a review of policies and/or procedures.

Conflicts of interest

Councillors involved in a sub-committee of Scrutiny Committee cannot be involved in any subsequent review of the response by the Scrutiny Committee, in accordance with section 11 above.

2. Review of response by the Scrutiny Committee

The lead petitioner and the relevant ward Member(s) will be invited to attend the meeting as observers. There is no right to address the Committee. Petitioners may attend the meeting as observers

- (a) a Scrutiny Committee meeting will be convened within 30 days of receipt of the lead petitioner's review request – if this is not possible, an explanation will be given to the lead petitioner;
- (b) the relevant Director will produce a report supported by all the relevant background information, such as the original response/decision, minutes, review request etc;

- (c) Standing Order 19 'Members' Interests' and Standing Orders 46 – 51 'Access to Information Procedure Rules' will apply;
- (d) review requests will be considered in the order they are received⁹, unless the Chairman at the meeting, determines otherwise;
- (e) the relevant Officer/Director will be invited to address the meeting (this may be the Officer who was 'held to account' when the petition was considered by the Policy Overview Committee);
- (f) the Committee will put questions to the Officer;
- (g) the Committee will put questions to the Portfolio Member.

Decision - making

The Scrutiny Committee will have regard to the list of possible actions set out in section 9 and Annex 2 of these Petitions Scheme Guidelines. An adequate response is likely to be proportionate to the seriousness of the issue and level of support contained in the petition. The actions referred to in section 9 need to be among those considered, but should not be regarded as the only options.

The Scrutiny Committee can only review the adequacy of the steps taken or proposed to be taken in response to a valid petition – the Committee cannot substitute its own actions for those already taken or proposed to be taken.

By way of examples, the Scrutiny Committee may agree that:

the issues raised in the review request merit further action by the Cabinet/Committee/Sub-committee or partner organisation. Alternatively, if the Committee has reason to be concerned about the adequacy of the initial response to the petition, it may carry out a full review of the issues raised in the petition or request a full debate at the General Assembly of the Council (unless the matter has already been debated by the General Assembly under section 5.1 of these Petitions Scheme Guidelines);

the issues raised in the review request do not merit further action.

Within 10 working days of the meeting, Member Services will notify the lead petitioner of the decision and copy the lead petitioner into the Scrutiny Committee's reports (if any) and recommendations. The lead petitioner will be advised that there is no further right of review.

3. Having regard to reports and recommendations

The General Assembly of the Council, the Cabinet and other bodies referred to in the Committees' Protocols, are required to have regard to reports and recommendations of the Policy Overview Committee, Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee. Where the Committees' recommendations have not been accepted by the body concerned, clear reasons must be given.

⁹ In practice, where one person has submitted more than one petition, his/her second petition will be taken after consideration of the first petition submitted by each other person, and so on

ANNEX 2

EXAMPLES OF THE TYPES OF ACTION THE COUNCIL CAN TAKE

Petition subject	Appropriate steps
Alcohol related crime and disorder	<p>If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area, by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.</p>
Anti-Social Behaviour (ASB)	<p>As the elected representatives of your local area, as social landlord and licensing authority, the Council has a significant role to play in tackling anti-social behaviour. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards at www.dartford.gov.uk</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken, including what role CCTV might play, consider identifying a dedicated contact within the Council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the Dartford and Gravesham Community Safety Partnership and Crime and Disorder (Overview and Scrutiny) Committee to the issues highlighted in the petition.</p>

ANNEX 3

PETITIONS TEMPLATE